

of a greater sense of self-reliance because my guess is that if we fail and gas lines mount in a time of crisis, this Senate will be scrambling to make up politically what they are now trying to dodge.

It is not a time for politics. We have worked very cooperatively together on a lot of issues since September 11. Energy should not be one issue that is politicized. But by the very action of the majority leader himself, he is on the verge of risking that possibly happening. So I ask him to honor his commitment that he made publicly—and I have no reason to believe he would not—to get an energy bill to the floor, allow us to get ours to the floor, allow us to offer amendments, and let the Senate work its will. Two or three days of debate, don't we have time to do that when we are standing idle, waiting for decisions to be made, waiting for judicial nominees to come to the floor, and waiting for appropriations bills to come to the floor?

Remember, there are 100 Senators. There are numerous chairmen. This Senate can work in multiples of ways beyond just a single issue and a single action. I think it is time that we as Senators insist that the leadership of the Senate allow us to bring what I believe is one of the top issues in America today, a national energy policy, to the floor so that the American people will know we did the right thing in trying to protect them and their future and the economy of this country from any major shock, should we ever get into a situation in the Middle East, or in those primary production areas on which we are now so reliant, which are well beyond our border and well out of our control.

With those comments, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

#### CONTINUING THE WORK OF THE SENATE

Mr. LEAHY. Mr. President, I commend Senator DASCHLE for having us in session today. I think he has done the right thing. A great deal of work will get done that needs to be done and can be done quickly. Frankly, I believe we should be here. I hope we will very soon have these galleries open to all tourists. I hope very soon we can have the Capitol Building open to all tourists. I was in my office on Saturday. I came through this building and it was empty. I asked one of the guards why tourists are blocked out.

I remember as a teenager coming to Washington for the first time with my parents, the thrill of going through this building, through the Smithsonian and the Library of Congress, because they were open to the American people, as they should be now. I have to think there are a whole lot of parents and their children who can't do that. I am on the Board of Regents at the Smith-

sonian, and I see that the number of visitors is going way down. That is free to everybody.

It should not be that way. This is one of the most beautiful cities in the world, one of the best cities in the world. The people are among the best people anywhere. Washington should be a magnet not only for Americans throughout the country but visitors throughout the world. I want us back here. I have my staff squeezed into cubbyholes and my Capitol office and working out of their homes. We are all connected to the Internet and everything else. We are going to work throughout this weekend. We are going to get the terrorism bill finished, with the bioterrorism piece that I added here in the Senate and the Senators passed.

All that is going to be done this weekend because very brave men and women, on my staff and others, are going to work straight through the weekend, but they are going to take 20 hours to do what they might do in 10 hours on other days because of all the disruptions.

We have to set the example that the Senate is open and ready for business. We cannot ask some 18-year-old on duty in our armed services in Kosovo to stand sentry duty in the middle of the night next to a minefield and say: But U.S. Senators are not here.

The distinguished Presiding Officer has been a Governor, and he is a Senator. He is here. I see my good friend from California who was mayor of San Francisco and stood there at a most difficult time. We are ready to go to work. We will go to work, and the Senate will continue to be the conscience of the Nation.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to consideration of the conference report to accompany H.R. 2904, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2904) "making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes," having met have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by all of the conferees on the part of both Houses.

The ACTING PRESIDENT pro tempore. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of October 16, 2001.)

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes for debate to be equally divided and controlled between the Senator from California, Mrs. FEINSTEIN, and the Senator from Texas, Mrs. HUTCHISON, or their designees.

Who yields time?

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, as my distinguished chairman, the Senator from California, is preparing to speak about the conference report accompanying the military construction appropriations bill, I want to make a few comments about what is going on today.

I am very pleased to say the Senate is open for business, and we are preparing to take up very important legislation as it relates to the U.S. war on terrorism. Before we talk about that, I want to say that what we are doing is important as an example to our country. We have had severe threats to the people who work in the U.S. Capitol. The Capitol is the symbol of freedom and democracy for the whole world. It represents the United States.

Our people made the decision that we would close the office buildings so our staff would be protected. We are checking the office buildings to see what kind of anthrax might be present. We are doing the prudent thing. We are trying to take care of our people.

On the other hand, we are also keeping the Capitol open as the symbol that the business of Government is going on, and many of us are working out of our Capitol offices. We have our staffs with us. They are very happy to be here. There is a spirit of comradeship up and down the halls of the Capitol where people are spilling out from the various small offices to make room in the tiny little offices from where we are now operating. But everybody is happy to do it because we know this is important for our country. It is our way of saying to those who are in the field representing us in Pakistan, Afghanistan, and Uzbekistan that we are here, too, and we are taking care of your needs.

I am very proud we are in session. Our staffs are happy to be here, and we are doing our duty for our country. The people of America should know we are going to do everything that is on our agenda for this week—business as

usual—and the House did the same thing. They passed the bills yesterday. We passed them yesterday, and we will pass them today.

With that, I welcome the chairman of the Military Construction Subcommittee and thank her in advance for the leadership she has provided to this very important committee.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Texas for her comments.

Today I am very pleased to bring before the Senate the conference agreement on the fiscal year 2002 military construction appropriations bill.

Given the circumstances, this is a particularly timely and time-sensitive conference report. I am very pleased that the Senate has demonstrated a willingness to move quickly on it.

The military construction conference agreement provides \$10.5 billion of new budget authority. That is a 17.5-percent increase over last year's military construction funding, and it is a 5.3-percent increase over the President's budget request. This statistic alone sends a strong message of support to America's men and women in uniform.

This is a good package. It meets the most pressing needs of the military, both in terms of readiness and quality-of-life issues. It is not, of course, a perfect package. The conference report does not include everything the Senate wanted, nor does it include everything the House wanted. It does, however, address the priorities of the Department of Defense, which I think is most important, as well as both Houses of Congress. It is a carefully crafted compromise. It is both balanced and bipartisan.

I am particularly pleased to see such quick action on this measure at a time when we as a nation are asking for so much from our men and women in uniform and from their families. The conference agreement provides \$4.8 billion for the Active components of the military. That is a 35-percent increase over fiscal year 2001. So the military components are up 35.8 percent. It provides \$953 million for the Reserve components. That is a 357-percent increase over last year. For family housing, the conference agreement provides \$4.1 billion. That is a 12-percent increase over last year.

These are important increases. They signal a commitment to upgrading and rebuilding the infrastructure that is truly the backbone of our Nation's military.

The conference report also includes a \$100 million increase over the President's budget request for environmental cleanup at military installations that have been closed as part of the base realignment and closure effort. This is most significant. We need to clean up these bases so they can be transitioned into civilian use. This additional funding is necessary. It enables the military to honor its commit-

ments to the people and the communities that have been affected by the economic upheaval caused by base closures.

I point out that this is a great deal of money, yet much more is going to be needed before the environmental cleanup of BRAC sites across the Nation is complete. This is certainly something we should consider before we embark on any future rounds of base closings. I believe this most strongly.

One other item I want to mention today is the issue of defense access roads. The events of September 11 have made us all the more aware of the potential vulnerability of sensitive civilian and military installations to the threat of terrorist attack, and a number of our colleagues have expressed concern about the need for upgrading access roads serving military installations, particularly around chemical demilitarization facilities.

These roads are generally Federal or State highways that provide access to defense installations but are not owned by the Defense Department. Therefore, funding to construct access roads has to go through the Department of Transportation. The military construction bill includes a standing provision authorizing the Secretary of Defense to provide funds to the Transportation Department for access roads but only—only—when the Secretary of Defense has certified that these roads are important for national defense.

In other words, these are not projects that can easily be added to the MILCON bill if the President does not request them. However, because of the current sensitivity of chemical demilitarization facilities, we included a provision in our conference agreement that will enable the Defense Department to conduct a feasibility study on the requirements for Defense roads at chemical demilitarization sites in the United States to support emergency preparedness requirements.

I might also mention the Senate MILCON bill and the House MILCON bill had about a \$600 million difference between the two bills. There were about 173 adds from Members. Only 3 of them were the same in both the House and the Senate bills. So truly the Senate staffers on both sides have done a wonderful job in putting together the conference report.

I am very pleased to say it was a unanimous vote in the conference committee. So it was a reconciling of interests.

I very much thank Chairman BYRD. I thank Senator STEVENS and particularly my ranking member on the subcommittee, Senator HUTCHISON, for their unflagging support and assistance in bringing this conference report to the Senate. Again, I particularly thank the subcommittee staff for their hard work on this measure.

I am very pleased the military construction bill will be one of the first appropriations conference agreements sent to the President, and I hope he will sign it without delay.

I turn this over to the ranking member for her comments, and I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I fully endorse the comments made by our subcommittee chairman, Senator FEINSTEIN. I am pleased to recommend the military construction conference report for fiscal year 2002 to the Senate. We have worked very hard, Senator FEINSTEIN and myself, with our House colleagues, to bring this conference report to a successful conclusion.

I thank our colleagues from the House side, the chairman, DAVID HOBSON from Ohio, and JOHN OLVER from Massachusetts, the ranking member, for working with us in such a collegial way.

As Senator FEINSTEIN said, there were many disagreements and, frankly, some different priorities when our two bills passed respectively in the House and the Senate, but we worked hard and in a very productive way to resolve those differences and keep the priorities of each House but within a responsible budget. Everybody gave a little, but I think everyone did the right thing, and I am very pleased with the product.

We sought a balanced bill, one that provides funding for planning, design, construction, alteration, and improvement of military facilities worldwide, both for Active-Duty and Reserve Forces. I think this is a very important point because we know our Reserve Forces are stepping up to the plate as we speak.

Our President has called 40,000 of them to service, and there could be more. So we are very cognizant of the need for our Reserves to be supported and, in fact, there is a total of almost \$1 billion for Guard and Reserve facilities in this military construction bill.

Additionally, we have focused on military housing. This has been a priority for all of us. Quality of life for our men and women in the services is very important to us, and we are making a transition in our military, frankly, from a force that used to be mostly single men, some single women, to now families of men and women. For that reason, we have had to adjust military construction priorities in recent years. We have \$1.2 billion for barracks improvements; \$44 million for child care centers; \$199 million for hospitals and medical facilities and \$4 billion for family housing.

This intensifies the effort to improve the quality of military housing and accelerate the elimination of substandard housing. I am very pleased with those priorities.

I also concur with the comments of Senator FEINSTEIN on the issue of access roads. A number of colleagues expressed to me their concern about the need for upgrading access roads near chemical demilitarization sites. A defense access road must be appropriately certified by the Department of

Defense, legislatively authorized, and then it is eligible for funding in the military construction appropriations bill.

As Senator FEINSTEIN said, we have provided the Department of Defense the ability to conduct a feasibility study on requirements for Defense roads at chemical demilitarization sites. We think this is the right and responsible approach to determine what the needs are of the Department of Defense and also determine what the responsibilities of the State or local governments should be in that regard.

I also want to make the point this bill will soon be going to the President of the United States for signature. This bill includes some very important upgrades of facilities in support of the Operation Enduring Freedom effort in which we are now engaged. Operation Enduring Freedom, of course, is our war on terrorism. In support of these operations this bill includes an upgrade for a runway in Oman and a base supply warehouse in Turkey, one of our strongest allies. I am very proud that Turkey stepped up to the plate early and said: Whatever you need to protect freedom and democracy is going to be our cause as well.

Further, we included a special operations training range in Okinawa. Japan also stepped up to the plate—the Japanese Prime Minister was one of the first to say: We are with you to protect democracy in this part of the world. And lastly, we included a war reserve storage facility in Guam. We are very pleased to provide these projects that will directly support our ability to stage this war on terrorism.

I thank my chairman, Senator FEINSTEIN, for working with me to assure even though we had the bill on the drawing boards before September 11, nevertheless we could react to the immediate needs of the Department of Defense in these areas.

This bill is on its way to the President, and it will provide the support to our men and women in the military who have pledged their lives to protect our freedom. They have pledged their lives to protect freedom throughout the world. This is the test of our generation, and our young men and women are stepping up to the challenge. They deserve the support we are giving them in this bill. We are doing our duty and fulfilling our responsibilities here today. I am proud to say, once again, the prowess of our military is going to shine through and we are going to show the military of a freedom-loving country is the strongest in the world, with the full support of the Congress.

I yield the floor.

Mr. MCCAIN. Mr. President, I appreciate the opportunity to address the Senate once again on the subject of military construction projects added to an appropriations bill that were not requested by the Department of Defense. This bill contains \$900 million in unrequested military construction projects.

Every year, I come to the Senate floor for the express purpose of highlighting programs and projects added to spending bills for primarily parochial reasons. While I recognize that many of the projects added to this bill may be worthwhile, the process by which they were selected violates at least one, if not several, of the criteria set out several years ago to limit just this sort of wasteful spending.

I find particularly offensive the usual Buy America restrictions included in this bill. Rather than providing the best value to our service members by buying the best products at the best prices, these restrictions require DOD procurement decisions to be driven by protectionist impulses that frequently provide inferior value to our troops. "Buy America" restrictions cost the Department of Defense and the U.S. taxpayer \$5 billion annually, money that is spent not on our good people in uniform but to line the pockets of American producers of goods that could otherwise be purchased at the same value for lower prices overseas.

I am also at a loss as to the rationale for including in this bill certain site-specific earmarks and directive language, including a provision urging the Department of Defense to make the consolidation of four Guard and Reserve facility renovation projects in northeastern Pennsylvania a priority, and to program this requirement in the Future Years Defense Plan; a provision directing the Navy to accelerate design of the Kingsville Naval Air Station Airfield Lighting project, and to include construction funding for it in the budget request for fiscal year 2003; a provision directing the Air Force to accelerate design of Offutt Air Force Base's Fire/Crash Rescue Station, and to include funding for it in next year's budget request; and similar language inappropriately directing scarce resources on a non-competitive basis to Warren Air Force Base, Fort Worth Joint Reserve Base, and Selfridge Air National Guard Base.

In addition, sections of this bill designed to preserve depots, and to funnel work in their direction irrespective of cost, are examples of the old philosophy of protecting home-town jobs at the expense of greater efficiencies. And calling plants and depots "Centers of Excellence" does not constitute an appropriate approach to depot maintenance and manufacturing activities. Consequently, neither the Center of Industrial and Technical Excellence nor the Center of Excellence in Service Contracting provide adequate cloaks for the kind of protectionist and parochial budgeting endemic in the legislative process.

Last year, the Defense appropriations bill included a provision statutorily renaming National Guard armories as "Readiness Centers," a particularly Orwellian use of language. By legally relabeling "depot-level activities" as "operations at Centers of Industrial and Technical Excellence," we further

institutionalize this dubious practice, the implications of which are to deny the American public the most cost-effective use of their tax dollars. When will it end?

There are 28 members of the Appropriations Committee. Only six do not have projects added to the appropriations bill. Those numbers, needless to say, go well beyond the realm of mere coincidence. Of 96 projects added to this bill, 53 are in the States represented by the Senators on the Appropriations committees, totaling over \$503 million.

We are waging war against a new enemy with global operations and the messianic aspirations to match; we are undertaking a long-term process to transform our military from its cold war structure to a force ready for the challenges of a new day. A lack of political will had previously hamstrung the transformation process, but the President and his team have pledged to revolutionize our military structure and operations to meet future threats.

The reorganization of our armed services was, of course, an extremely important subject before September 11, and it is all the more so now. The threats to the security of the United States, to the very lives and property of Americans, have changed in the last decade. The attacks of September 11 have made more urgent the already urgent task of reorganizing our military to make sure that we have the people, weapons and planning necessary to ensure not only the success of our world leadership, international peace and stability and the global progress of our values, but to safeguard the survival of the American way of life.

In the months ahead, no task before the administration and the Congress will be more important or require greater care and deliberation than making the changes necessary to strengthen our national defense in this new, uncertain era of world history. Needless to say, this transformation process will require enlightened, thoughtful leadership, not pork-barrelling of military funds, if we are to best serve America in this time of rapid change in the global security environment.

I believe I have made my point. As usual, I labor under no illusions regarding the impact my comments will have on the way we do business here. I have in the past attempted legislative recourse to pork-barrel spending, and I will do so again.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, as I mentioned, this bill took a good deal of good staff work. I am very proud that good staff work has occurred on both sides of the aisle. It is not easy to remedy 170 differences between a House and Senate bill, and yet this happened.

I particularly commend the appropriations staff, Christina Evans, B.G. Wright, on the Republican side; Sid Ashworth, John Kem, and also Matt

Miller of my staff. They worked long and hard on this bill, and I think that it will get, if not a unanimous vote of this body, certainly a near unanimous vote. It is a job well done, and I am very pleased on behalf of Senator HUTCHISON and myself to recognize that.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

All time has expired. The question is on the adoption of the conference report.

The yeas and nays were previously ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS), the Senator from Nevada (Mr. ENSIGN), and the Senator from Utah (Mr. BENNETT) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote "yea."

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 305 Leg.]

#### YEAS—96

Akaka	Edwards	Mikulski
Allard	Enzi	Miller
Allen	Feingold	Murkowski
Baucus	Feinstein	Murray
Bayh	Fitzgerald	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Nickles
Bond	Gramm	Reed
Boxer	Grassley	Reid
Breaux	Gregg	Roberts
Brownback	Hagel	Rockefeller
Bunning	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kerry	Stevens
Corzine	Kohl	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Leahy	Torricelli
Dayton	Levin	Voinovich
DeWine	Lieberman	Warner
Dodd	Lincoln	Wellstone
Domenici	Lott	Wyden
Dorgan	Lugar	
Durbin	McConnell	

#### NAYS—1

McCain

#### NOT VOTING—3

Bennett	Burns	Ensign
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The conference report was agreed to. Mrs. HUTCHISON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank all Senators who supported this very important legislation. Senator FEINSTEIN and I are very appreciative of the support of Congress.

This bill is now on its way to the President. It will provide support to our men and women in the field in their quality of life, quality of their equipment, and in the quality of their training. We can do no less. I appreciate the support of the Senate.

The PRESIDING OFFICER. The Senator from North Dakota.

#### MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes between now and 12:30 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR RECESS

Mr. DORGAN. Mr. President, I ask unanimous consent the Senate stand in recess from 12:30 until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INTERNET TAXATION

Mr. DORGAN. Mr. President, I am going to propound a unanimous consent that I understand may be objected to, but for the moment I will describe what I am about to do and why I want to do it today.

As most of us know who have worked on an issue called the Internet tax moratorium issue, the moratorium that now exists with respect to Internet taxation expires on Sunday of this week. The expiration of the Internet Tax Moratorium Act on Sunday means that next week there will no longer be the prohibition that exists in that act.

Many of us believe we ought to do a couple things.

One, the Internet Tax Moratorium Act is one that I supported because it would have prohibited additional States from imposing taxes on access to the Internet. I support that. It actually grandfathered some States. I would have been content to eliminate the grandfathering even. I don't think we ought to be taxing access.

It also said that we will not allow discriminatory or punitive taxes with respect to Internet transactions. I supported that as well and was happy to vote for that legislation. It had an end date on it. That end date is this Sunday.

What we have been trying to do for a long time is to construct an extension of the Internet tax moratorium, which I support, and attach to that a provision that would allow State and local governments to solve a very significant problem they are confronted with; that

is, remote sellers are selling all across this country now in a significant way and in many instances—in fact, most instances—they are not required to collect local taxes when they make those sales.

The remote sellers say it would be very difficult for them to collect the local sales and use taxes because you have thousands of jurisdictions around the country with different tax rates, different bases, and so on. It would be horribly complicated to subject a remote seller to all of those different standards and different jurisdictions. I am sympathetic to that.

For that reason, I believe State and local governments ought to be required to simplify the tax system by which consumption taxes would be imposed on remote sales.

At the moment, the courts have said the State and local governments may not impose their consumption taxes on remote sales unless the remote seller has a location in that State. The only change that could occur that would allow them to enforce a collection would be the Congress, under the commerce clause, describing a different nexus so that State and local governments could in fact enforce a requirement of collection. I don't believe we ought to do that unless we also require State and local governments to dramatically simplify their sales and use tax system. And when we do that, State and local governments should then be able to enforce a collection.

You have two things: Requiring a simplification of a system, and then requiring remote sellers to collect the tax and remit it to the States.

Why is this important? It is important for two reasons. One is fairness. Main street sellers are required to collect the tax, and their competitors from a remote circumstance are not required to collect the tax. That is not a fair situation.

Second, there is a substantial amount of lost revenue, much of which would be used to finance schools in this country, and that lost revenue is injuring the tax base of State and local governments and injuring the opportunity to fund education which is funded, as most of us know, predominantly by State and local taxes.

What I propose is the following: We extend the moratorium for about 8 months to next June 30. That moratorium extension would be accompanied by a sense of the Congress in my bill. It is only a two-page bill: It is a sense of Congress that State governments and interested business organizations should expedite efforts to develop a streamlined sales and use tax system that, once approved by Congress, would allow sellers to collect and remit sales and use taxes without imposing an undue burden on interstate commerce.

The House of Representatives, I believe this week, passed a 2-year extension on the moratorium, with really nothing involved in it, that actually begins to address the other side of the